

**COMMITTEE SUBSTITUTE  
BOARD BILL NO. 105 INTRODUCED BY ALDERMAN STEPHEN CONWAY**

1 An ordinance renewing the Gardenside Subdivision Special Business District pursuant to  
2 Sections 71.790 through 71.808 of the Revised Statutes of Missouri, setting its boundaries, tax rate,  
3 initial rate of levy subject to the approval of the qualified voters, bonding authority, and uses to  
4 which tax revenue may be put; creating a board of commissioners; and containing severability,  
5 effectiveness, and emergency clauses.

6 **WHEREAS**, the Gardenside Subdivision Special Business District was established  
7 by the qualified voters residing within the boundaries of such district on August 6, 2002; and

8 ~~**WHEREAS**, this Board of Aldermen did on July 7, 2006 adopt Resolution Number~~  
9 ~~70 declaring its intention to renew the Gardenside Subdivision Special Business District in said area~~  
10 ~~and calling for a public hearing on the matter; and~~

11 **WHEREAS**, said public hearing, duly noticed, was held at 9:00 a.m. on July 13,  
12 2006, by the 2006-07 Committee on Ways & Means of the Board of Aldermen; and

13 **WHEREAS**, this Board of Aldermen hereby finds that the renewal of the Gardenside  
14 Subdivision Special Business District is in the best interest of the City of St. Louis and that the  
15 property owners and tenants of said area and the public in general will benefit by the renewal of said  
16 Special Business District and the continuation of the level of services and improvements provided  
17 by the proposed additional tax revenues from said district;

18 **BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:**

19 **SECTION ONE.** The "Gardenside Subdivision Special Business District"

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(hereinafter referred to as the "District"), is hereby renewed for the area of the City described as follows:

Beginning at the intersection of the center lines of Kingshighway Boulevard and Interstate 44; thence eastwardly along the center line of said interstate to its intersection with the centerline of Tower Grove Avenue; thence southwardly along the centerline of said avenue to the intersection of the centerline of Magnolia Avenue; thence westwardly along the centerline of said avenue to the intersection of the centerline of Kingshighway Boulevard; thence northwardly along the centerline of said boulevard to the point of its beginning.

**SECTION TWO.** Taxes for the District shall be assessed and collected as follows:

A. For the purpose of paying for costs and expenses incurred in the establishment and operation of the District, the provision of services and facilities and improvements authorized in Sections Five and Six of this ordinance, and incidental to the leasing, construction, acquisition and maintenance of any improvements authorized herein or for paying principal and interest on bonds or notes authorized for the construction or acquisition of any said improvement, there may be imposed a tax upon all real property within the District which shall not exceed eighty-five cents (\$.85) on the one hundred dollars (\$100.00) assessed valuation, subject to the provisions of Section Nine. Such tax shall be imposed during the 2007, 2008, 2009, 2010 and 2011 tax years only subject to the renewal of such tax by the qualified voters of the District pursuant to the procedure set forth in Section 71.800 RSMo.

B. If the proposition submitted to the qualified voters residing in the District receives in its favor the votes of the majority of the qualified voters voting at the election conducted pursuant to Section Nine, the initial rate of levy which shall be imposed upon real property within the District shall be eighty-five cents (\$.85) on the one hundred dollars (\$100.00) assessed valuation.

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1 C. Real property subject to partial tax abatement under the provisions of Chapter 353,  
2 R.S.Mo., shall, for the purpose of assessment and collection of ad valorem real estate taxes levied  
3 under the District, be assessed and ad valorem real estate taxes shall be collected upon the same  
4 assessed value on which its ad valorem real estate taxes and payment in lieu of taxes are based in the  
5 Ordinance adopted by the City of St. Louis approving the development plan of any such corporation  
6 and authorizing tax abatement; provided, however, that the owners at such real property are strongly  
7 encouraged to make additional equitable, annual donations to the District in lieu of the additional  
8 District taxes.

9 D. The levy shall not be imposed upon real property exempt from ad valorem real  
10 estate taxes because of charitable, religious, educational or other public or private uses; provided,  
11 however, that the owners of such real property are strongly encouraged to make equitable, annual  
12 donations to the District in lieu of District taxes.

13 E. The tax provided for by this ordinance shall be collected by the Collector of  
14 Revenue and held in a special account to be used only for all purposes authorized hereunder, as  
15 provided by law.

16 F. If the District for any reason is dissolved, all delinquent taxes collected after the  
17 date of dissolution shall be credited and forwarded to the general fund of the City of St. Louis after  
18 all debts of the District, if any, are discharged.

19 **SECTION THREE.** For the purposes of paying costs and expenses to be incurred  
20 in the acquisition, construction, improvement, expansion and/or maintenance of any facilities of the  
21 District, the District may incur indebtedness and issue bonds or notes for the payment thereof under

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1 the terms of, and subject to, the requirements set forth by law.

2 **SECTION FOUR.** There shall be a Board of Commissioners to administer the  
3 District. The Board of Commissioners shall be selected as follows:

4 **A. Membership:** The Board of Commissioners shall consist of seven (7) members,  
5 and shall be appointed by the Mayor with the advice and consent of the Board of Aldermen, of whom  
6 five (5) members shall be owners of real property within the District or their representatives and two  
7 (2) members shall be renters within the District or their representatives; provided, however, that no  
8 employee or elected official of the City of St. Louis shall be a member of the Board of  
9 Commissioners.

10 **B. Term of Office:** Each member of the Board of Commissioners shall serve for  
11 a four (4) year term (except as provided herein with respect to the initial members), with terms  
12 expiring as of December 31st of the designated year or when their successors are appointed as  
13 provided herein, whichever is later.

14 **C. Initial Members and Terms:** The initial members shall be appointed for the  
15 terms set forth as follows: one (1) member shall be appointed for a term expiring December 31,  
16 2003; two (2) members shall be appointed for a term expiring December 31, 2004; two (2) members  
17 shall be appointed for a term expiring December 31, 2005; and two (2) members shall be appointed  
18 for a term expiring December 31, 2006.

19 **D. Removal:** The Mayor with approval of the Board of Aldermen may remove any  
20 member of the Board of Commissioners for misconduct or neglect of duty upon written charges and  
21 after a public hearing.

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1           E. **Vacancies:** Vacancies on the Board of Commissioners, occasioned by removal,  
2           resignation, expiration of term, or otherwise, shall be reported in writing to the Mayor by the Board  
3           of Commissioners. The vacancy shall be filled in like manner as an original appointment no later  
4           than thirty (30) days after the date of said report to the Mayor. Appointments to fill vacancies shall  
5           be for the unexpired portion of a term only.

6           F. **Compensation:** The members of the Board of Commissioners shall serve without  
7           compensation of any kind.

8           **SECTION FIVE.** All District revenues collected hereunder by the Collector of  
9           Revenue, except for those revenues expended for the necessary costs of the establishment and  
10          administration of the District, and for collection fees for tax revenue collected hereunder, may be  
11          used to carry out any and all of the following improvements, services and activities of the District:

12          A. To provide special police and/or security facilities, equipment, vehicles and/or  
13          personnel for the protection and enjoyment of the property owners and the general public within the  
14          District;

15          B. To construct, install, improve and/or maintain useful, or necessary, or desired,  
16          security related improvements;

17          **SECTION SIX.** The District shall have all the powers necessary to carry out any and  
18          all activities and improvements authorized by law and may:

19          A. Cooperate with any public agencies and with any industry or business located  
20          within the District in the implementation of any project within the District;

21          B. Enter into any agreement with the City, any other public agency, any person, firm,

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1 or corporation to effect any of the provisions contained in Sections 71.790 through 71.808 R.S.Mo.;

2 C. Contract and be contracted with, sue and be sued and provide for insurance of all  
3 projects and property owned or managed by the District and for insurance covering all members of  
4 the Board of Commissioners and employees and agents of the District, providing for coverage of  
5 such risks and with such limits as the Board of Commissioners may deem proper;

6 D. Accept gifts, grants, loans or contributions from the City, the United States of  
7 America, the State of Missouri, political subdivisions, foundations, other public or private agencies,  
8 individuals, partnerships, or corporations; and

9 E. Employ such managerial, engineering, legal, technical, clerical, accounting, and  
10 other assistance as the Board of Commissioners may deem advisable; the District may also contract  
11 with independent contractors for any such assistance.

12 **SECTION SEVEN. A. Annual Budget.** The Board of Commissioners shall file with the  
13 Board of Aldermen an annual budget for the District, which shall set forth the projected revenues  
14 and expenditures for the ensuing year, not later than the first day of November each year; provided,  
15 however, that no such proposed annual budget shall be filed with the Board of Aldermen until after  
16 the date the Board of Commissioners conducts a public hearing within the District on any such  
17 proposed annual budget. Notice of any such public hearing shall be published at least ten (10) days  
18 prior to the hearing in a daily, twice-weekly, weekly or bi-weekly newspaper of general circulation  
19 within the District; and provided further, that in addition to showing the time, date and place of the  
20 hearing, the notice shall also show the complete proposed annual budget. The Board of  
21 Commissioners shall not expend any funds collected by the Collector of Revenue inconsistent with

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1 or until an annual budget for the expenditure of such funds is approved by the Board of Aldermen  
2 by Resolution. If the Board of Aldermen does not act on said budget by Resolution within thirty (30)  
3 days of its filing, said budget will presume to have been approved by the Board of Aldermen.

4 **B. Annual Report.** The Board of Commissioners shall also file an annual report  
5 with the Board of Aldermen, which shall set forth the programs, revenues and expenditures of the  
6 District for the previous calendar year, not later than the first day of March each year.

7 **SECTION EIGHT.** The City shall not decrease the level of municipally funded  
8 services in the District existing prior to the creation of the District, unless the services at the same  
9 time are decreased throughout the City, nor shall the City discriminate in the provision of new  
10 municipally funded services between areas included in the District and areas not so included.

11 **SECTION NINE.** The tax levy authorized in Section Two shall not be effective  
12 unless and until the following proposition, submitted to the qualified voters residing in the District  
13 at a special election in the District to be held on August 6, 2002, shall receive in its favor the votes  
14 of the majority of the qualified voters voting at said election for or against said proposition. Said  
15 proposition shall be in substantially the following form:

16 **OFFICIAL BALLOT**  
17

18 Shall a tax not to exceed \$.85 per \$100.00 valuation  
19 be imposed for the tax years, 2007, 2008, 2009, 2010  
20 and 2011 on all real property located in the  
21 Gardenside Subdivision Special Business District as  
22 defined in Ordinance No.\_\_\_\_\_, approved  
23 \_\_\_\_\_ ( Board Bill No. \_\_\_\_ ) for the  
24 purposes as set forth in said Ordinance?  
25

\_\_\_\_ YES

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1  
2 \_\_\_\_\_ NO

3           **SECTION TEN.** If any section, subsection, sentence, clause, phrase, or portion of  
4 this ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any court of  
5 competent jurisdiction, such portion shall be deemed and is hereby declared to be separate, distinct  
6 and independent provisions of this ordinance, and such holding or holdings shall not affect the  
7 validity of the remaining portions of this ordinance.

8           **SECTION ELEVEN:** This being an ordinance for the immediate preservation of  
9 public peace, health and safety, it is declared to be an emergency measure within the meaning of  
10 Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this ordinance  
11 shall become effective upon its passage and approval by the Mayor.